

REMARKS

This Amendment is being filed in response to the Office Action mailed August 23, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-11 have been amended for better conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A'. Claims 1-11 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-11 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the Examiner, and in the interest of advancing prosecution, claim 1 has been amended to remove the informality noted by the

Examiner. It is respectfully submitted that the rejection of claims 1-11 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-11 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 4,794,501 (Bartenbach) in view of U.S. Patent No. 5,195,818 (Simmons). It is respectfully submitted that claims 1-20 are patentable Bartenbach and Simmons for at least the following reasons.

Bartenbach is directed to lighting fixture having a main reflector 11 shown in FIG 2. A counter-reflector 3 with a fluorescent tube 1 is situated opposite the main reflector 11. The fluorescent tube 1 is situated at or outside the edge of the counter-reflector 3, as clearly shown in FIGs 2-3. That is, the edge of the counter-reflector 3 does not extend beyond the fluorescent tube 1. As correctly noted by the Examiner, Bartenbach does not teach or suggest a diffuser and a mixer. Simmons is cited in an attempt to remedy these deficiencies in Bartenbach.

Simmons is directed to an elongated lamp having reflector 22 surrounding a fluorescent tube 24, as shown in FIG 2. A transparent optical film 30 is located in front of the fluorescent

tube 24 and has a diffusion plate 32 centered and concentric to the transparent optical film 30, as recited on column 5, lines 7-12.

It is respectfully submitted that the Bartenbach, Simmons, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 12 which, amongst other patentable elements, requires (illustrative emphasis provided):

a diffuser in the counter light emission window, wherein a chink is left free between the counter reflector and the diffuser.

There is simply no teaching or suggestion in Bartenbach, Simmons, alone or in combination, to have a diffuser in the counter light emission window. At best, the Simmons diffuser 32 may be located facing and above, not in, the Bartenbach counter reflector 3 or emission window, since the fluorescent tube 1 is located in the Bartenbach counter reflector 3, and there is no room for the Simmons diffuser 32 to be located in the Bartenbach counter reflector 3 or counter emission window. Further, it is respectfully submitted that Bartenbach, Simmons, and combination thereof, does not teach or suggest a mixer or prism as recited in independent claims 1 and 12.


Accordingly, it is respectfully submitted that independent claims 1 and 12 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-11 and 13-20 should also be allowed based at least on their dependence from independent claims 1 and 12.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: New Abstract

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